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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,876	12/28/2000	Malcolm M. Smith	062891.0423	9414
5073	7590	07/10/2008	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2616	
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			07/10/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/752,876	Applicant(s) SMITH, MALCOLM M.	
	Examiner CLEMENCE HAN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14-20,22,23,25-31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14-20,22,23,25-31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-3, 5-12, 14-20, 22, 23 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Forsl w (US Pub. 2002/0069278).

Regarding to claim 1, Forsl w teaches a system for distributing packets for communication to a mobile unit comprising: a mobile unit 20 having a device identifier [0137] and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier [0029]; a mobility manager 22 operable to determine a multicast address for the mobile unit based on the device identifier [0135], to receive multicast address requests that include the device identifier [0135], and to communicate the multicast address responsive to the multicast address requests [0135]; a foreign agent 31 in the foreign network, the foreign agent operable to detect the mobile unit [0137], to determine the device identifier for the mobile unit [0137], to communicate a request including the device identifier to the mobility manager [0135], to receive the multicast address from the mobility manager 22,

and to register for a multicast group identified by the multicast address [0135]; and a home agent 30 operable to receive IP packets addressed to the mobile unit [0031], to determine the multicast address associated with the mobile unit [0095], to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address [0031], and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network [0031].

Regarding to claim 2, Forsl w teaches the device identifier as at least one of a mobile identification number (MIN) for the mobile unit and an equipment serial number (ESN) for the mobile unit [0137].

Regarding to claim 3, Forsl w teaches the foreign agent is further operable to receive the multicast packets from the packet network, to extract the IP packets from the multicast packets, and to communicate the IP packets to the mobile unit [0132].

Regarding to claim 5, Forsl w teaches the home agent 30 determines the multicast address by communicating a request including the IP address of the mobile unit to the mobility manager 22 and receiving the multicast address from the mobility manager responsive to the request [0135].

Regarding to claim 6, 14, 22 and 25, Forsl w teaches a method for registering to receive packets comprising: determining a device identifier for a mobile unit 20 [0137], the mobile unit having an internet protocol (IP) address comprising a subnet identifier for a remote network [0029]; communicating a request for a multicast address associated with the mobile unit, the request including the device identifier [0135]; receiving the

multicast address [0135]; and registering for a multicast group identified by the multicast address [0135].

Regarding to claim 7, 15, 23 and 26, Forsl w teaches receiving multicast packets addressed to the multicast address, wherein the multicast packets contain information for communication to the mobile unit [0095], [0135].

Regarding to claim 8, 16 and 27, Forsl w teaches the information in the multicast packets comprising IP packets addressed to the IP address for the mobile unit [0095], [0135].

Regarding to claim 9, 17 and 28, Forsl w teaches the information in the multicast packets comprises voice information (Claim 65).

Regarding to claim 10, 18 and 29, Forsl w teaches the multicast group comprises a plurality of foreign agents 31 each receiving multicast packets containing information for communication to the mobile unit [0135].

Regarding to claim 11, 19 and 30, Forsl w teaches each of the foreign agents receiving the multicast packets communicates the information from the multicast packets to facilitate handoff of the mobile unit [0090].

Regarding to claim 12, 20 and 31, Forsl w teaches the device identifier as at least one of a mobile identification number (MIN) for the mobile unit and an equipment serial number (ESN) for the mobile unit [0137].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsl w et al. in view of Kim (US Patent 6,070,075).

Regarding to claim 33, Forsl w teaches a system for distributing packets for communication to a mobile unit comprising: a mobile unit 20 having a device identifier [0137] and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier [0029]; a mobility manager 22 operable to determine a multicast address for the mobile unit based on the device identifier [0135], to receive multicast address requests that include the device identifier [0135], and to communicate the multicast address responsive to the multicast address requests [0135]; a foreign agent 31 in the foreign network, the foreign agent operable to detect the mobile unit [0137], to determine the device identifier for the mobile unit [0137], to communicate a request including the device identifier to the mobility manager [0135], to receive the multicast address from the mobility manager 22, and to register for a multicast group identified by the multicast address [0135]; and a home agent 30 operable to receive IP packets addressed to the mobile unit [0031], to

determine the multicast address associated with the mobile unit [0095], to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address [0031], and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network [0031]. Forsl w, however, does not teach the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold. Kim teaches the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold (Column 3 Line 1-5). It would have been obvious to one skilled in the art to modify Forsl w to have the foreign agent detect the mobile unit by determining the signal strength as taught by Kim in order to carry out hard handoff (Column 3 Line 1).

Regarding to claim 34-37, Forsl w teaches a method for registering to receive packets comprising: determining a device identifier for a mobile unit 20 [0137], the mobile unit having an internet protocol (IP) address comprising a subnet identifier for a remote network [0029]; communicating a request for a multicast address associated with the mobile unit, the request including the device identifier [0135]; receiving the multicast address [0135]; and registering for a multicast group identified by the multicast address [0135]. Forsl w, however, does not teach the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold. Kim teaches the foreign agent operable to detect the mobile unit by determining that a signal strength received from the mobile unit have exceed a threshold

(Column 3 Line 1-5). It would have been obvious to one skilled in the art to modify Forsl w to have the foreign agent detect the mobile unit by determining the signal strength as taught by Kim in order to carry out hard handoff (Column 3 Line 1).

Response to Arguments

5. Applicant's arguments with respect to claim 1-3, 5-12, 14-20, 22, 23, 25-31 and 33-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENCE HAN whose telephone number is (571)272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clemence Han/
Primary Examiner, Art Unit 2616